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SERVICE DATE - NOVEMBER 13, 1996

SURFACE TRANSPORTATION BOARD

DECISION

STB No. MC-F-20902 TA

COLORADO MOUNTAIN EXPRESS, INC., and AIRPORT SHUTTLE COLORADO, INC., d/b/a ASPEN LIMOUSINE SERVICE, INC.--CONSOLIDATION AND MERGER (INTERIM APPROVAL)--COLORADO MOUNTAIN EXPRESS

Decided: November 12, 1996

On November 1, 1996, Colorado Mountain Express, Inc. (Express), and Airport Shuttle Colorado, Inc., d/b/a Aspen Limousine Service, Inc. (Shuttle) (collectively, applicants), applied for interim approval under 49 U.S.C. 14303(i) to permit them to consolidate or merge their separately owned properties into one for purposes of ownership, management, and operation, pending a decision on their concurrently filed application for permanent approval of the transaction.

Express (MC-169174) and Shuttle (MC-174332) propose to form "Colorado Mountain Express, a Colorado general partnership" and to merge into it their operations and properties, including both interstate and intrastate operating rights. Applicants are motor passenger carriers engaged primarily in transporting skiers and their baggage between Denver, CO, and various Colorado ski resorts. Applicants state that they are incurring losses in their separate operations and assert that the proposed merger will permit them to operate more efficiently and profitably and to provide more effective and economical service to the public.

Under 49 U.S.C. 14303(i), we find that applicants have demonstrated that failure to grant interim approval of the proposed finance transaction may result in destruction of or injury to their properties or substantially interfere with their future usefulness in providing adequate and continuous service to the public. This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Express and Shuttle are authorized to combine their separately owned properties into a single partnership to own, manage, and operate them for a period of 180 days.

2. The partnership may begin operating under applicants' operating rights as soon as it complies with the appropriate statutory and regulatory requirements governing insurance and designation of agents for service of process, under 49 U.S.C. 13906 and 13304 and 49 CFR parts 387, Subpart C, and 366.

3. The partnership shall confirm, in writing, to the Surface Transportation Board and to the Federal Highway Administration, immediately upon commencement of operations, the date operations were commenced.

4. This decision is effective on its service date.

Vernon A. Williams
Secretary